

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SCOTT MICHAEL DITTMAR,

Plaintiff,

v.

JOHN HARMON, et al.,

Defendants.

CIVIL ACTION  
NO. 19-1537

**ORDER**

**AND NOW**, this 8th day of March 2021, upon consideration of Plaintiff's Second Amended Complaint (Doc. No. 11), Defendants' Motion to Dismiss Plaintiff's Second Amended Complaint (Doc. No. 24), Plaintiff's Response Letters (Doc. Nos. 37, 42), and in accordance with the Opinion of the Court issued this day, it is **ORDERED** as follows:

1. Defendants' Motion to Dismiss (Doc. No. 24) claims brought against them in their official capacity is **GRANTED**.
2. Defendants' Motion to Dismiss (Doc. No. 24) is **DENIED** as to Plaintiff's Retaliation claim.
3. Defendants' Motion to Dismiss (Doc. No. 24) is **GRANTED** as follows: Plaintiff's First Amendment, Failure-to-Protect, and Failure to Provide Adequate Medical Treatment Claims are **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted.
4. Plaintiff has sixty (60) days to file a Third Amended Complaint in order to amend the First Amendment Claim, the Failure-to-Protect Claim, and the Failure to Provide Adequate Medical Treatment Claim as stated in the Second Amended Complaint. He is also

permitted to state again in the Third Amended Complaint the same facts he wrote in the Second Amended Complaint in regard to the Retaliation Claim against John Harmon.

5. The Third Amended Complaint shall identify all defendants in the caption of the Complaint in addition to identifying them in the body of the Complaint, and it shall state the basis for Plaintiff's claims against each Defendant. Plaintiff shall state each Defendant's personal involvement in his claims. If Plaintiff does not know the identity of any of the individuals responsible for his claims, he may refer to them as Jane or John Does; however, he must still describe how these individuals violated his rights.
6. Upon the filing of the Third Amended Complaint, the Clerk shall not make service until so **ORDERED** by the Court.
7. The Clerk of Court shall send Plaintiff a blank copy of the Court's form complaint to be used by a prisoner filing a civil rights action bearing the above civil action number. Plaintiff may use this form to file his Third Amended Complaint if he so chooses.

BY THE COURT:

/s/ Joel H. Slomsky  
JOEL H. SLOMSKY, J.